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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

IRELAND

1. The Committee considered the initial report of Ireland on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.15) at its 14th to 16th meetings, held on 4 and 5 May 1999 (twentieth session), and adopted, at its 25th and 26th meetings, held on 12 May 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report by the State party, which is in general conformity with the guidelines established by the Committee. The Committee appreciates the written replies to the list of issues submitted by the State party. It also notes with satisfaction the presence of a large delegation, comprised of experts from various ministries, which answered most of the questions put to it during the frank and constructive dialogue.

B. Positive aspects

3. The Committee welcomes the determination of Ireland to implement the Good Friday Agreement of 1998 to settle peacefully the future status of Northern Ireland.

4. The Committee notes with satisfaction that the State party intends to increase its contribution to international development cooperation from 0.29 per cent of its GNP to 0.45 per cent by the year 2002.

5. The Committee also welcomes the adoption of the Employment Equality Act of 1998 and the Equal Status Bill of 1998 which aim at removing several aspects of discrimination relating to, inter alia, gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality, national or ethnic origin and membership of the traveller community.

6. The Committee notes with satisfaction the adoption of the Refugee Act of 1996, the Educational Act of 1998 and the National Anti-Poverty Strategy Plan for the period 1997-2007 and related mechanisms such as the poverty-proofing of policy proposals. In addition, it welcomes the establishment of the Task Force on Violence against Women in 1996 and the Task Force on Alcohol, the assessment by the Department of Health and Children of the needs of mentally handicapped persons for the period 1997-2001; and the establishment of the Domestic Violence and Sexual Assault Unit in 1993. It also welcomes the creation of the National Disability Authority and the Disability Support Service; and notes that a rights-based disability bill is currently being considered by Parliament.

7. The Committee welcomes the pro-active approach of the State party to the problem of reducing unemployment, which has led to a considerable drop in the unemployment rate from 11 to 6 per cent.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes that, following the signing of the Good Friday Agreement, there are no further major factors and difficulties impeding the implementation of the Covenant.

D. Principal subjects of concern

9. The Committee regrets that the Covenant has not been fully incorporated or reflected in domestic legislation and is rarely, if ever, invoked before the courts.

10. The Committee notes with regret that the International Convention on the Elimination of All Forms of Racial Discrimination has not yet been ratified by Ireland because the legislative process for this purpose has not yet been completed.

11. The Committee notes with regret that article 40.1 of the Constitution contains provisions which appear to be inconsistent with the principle of non-discrimination as set out in articles 2 and 3 of the Covenant.

12. The Committee regrets that while the State party's National Anti-Poverty Strategy addresses issues relating to, inter alia, educational disadvantage and rural poverty, the Strategy does not adopt a human rights framework consistent with the provisions of the Covenant.

13. The Committee is also concerned in this regard about the persistence of poverty among disadvantaged and vulnerable groups, notably the disabled, the traveller community, children, elderly women and single women with children. Moreover, the Committee notes with concern that social welfare payments are not above the income poverty line and that child care benefits are not sufficient to cover the cost of bringing up a child.

14. The Committee notes with regret that there is as yet no appropriate legislation dealing with the rights of the mentally handicapped and especially with regard to their detention in psychiatric clinics.

15. The Committee also regrets that there is as yet no specific legislation to deal with the rights of the physically disabled, although the delegation asserted that the State party is committed to redressing this situation through existing administrative policies and measures.

16. The Committee is concerned at the high rate of illiteracy at various levels of society, especially among adults, youth, poor children, children of the traveller community and those in rural areas.

17. The Committee notes with concern that the increase in tobacco use is the single most important contributing factor to the disease burden facing Ireland and that the State party's responses have been inadequate to deal with this problem. The Committee is also concerned about the alcohol-related problems in Ireland which have not yet been addressed by the National Alcohol Policy of the State party.

18. The Committee deplores the fact that the Merchant Shipping Act of 1894 is still in force, which provides that seafarers absent without permission are punished by being forced to work on board ship. The State party promised to repeal or amend this Act after the International Labour Organization had condemned this practice, but has not done so yet.

19. The Committee notes with regret that the procedures for trade unions to obtain a licence to conduct collective bargaining negotiations are cumbersome.

20. The Committee also notes with regret that despite measures adopted by the State party the traveller community and the disabled are still discriminated against in various respects, such as employment, education and housing.

21. The Committee further notes with regret the relatively high rate of teenage suicide and the long waiting lists for medical services at public hospitals.

E. Suggestions and recommendations

22. The Committee recommends that the State party incorporate justiciable economic, social and cultural rights in the proposed amendment to the Constitution.

23. The Committee calls on the State party to consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible.

24. The Committee recommends that the State party speed up the process of adopting the rights-based Disability Bill and to start implementing it as soon as possible.

25. The Committee calls on the State party to expand the scope of its National Anti-Poverty Strategy, including the poverty-proofing of policy proposals, and to integrate a human rights approach into the Strategy.

26. The Committee requests the State party to provide more data in its second periodic report on the problem of poverty in Ireland and urges the Government to take all remedial measures in order to combat the problem of poverty in Ireland.

27. The Committee urges the State party to speed up the enactment of legislation relating to the human rights of the disabled and of the mentally handicapped, including their detention, and to enact the legislation to combat discrimination affecting the traveller community.

28. The Committee recommends that the State party adequately supervise the quality of education received by students at the primary school level of the formal educational system in order that the educational system be in conformity with articles 13 and 14 of the Covenant.

29. The Committee urges the State party to take the necessary measures to ensure that the provisions of the Covenant are widely disseminated, particularly among the legal profession and members of the judiciary.

30. The Committee requests the State party to ensure the wide dissemination of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.